

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

CHARLES B. STARKE, JR.

v.

SHERRI SHIPMAN, ET AL.

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Civil Action No. 4:21-CV-394

(Judge Mazzant/Judge Nowak)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 9, 2023, the report of the Magistrate Judge (Dkt. #46) was entered containing proposed findings of fact and recommendations that *pro se* Plaintiff Charles B. Starke, Jr.'s case be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) for failure to serve, and that Plaintiff's Motion for an Emergency Restraining Order (Dkt. #42) be denied.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that *pro se* Plaintiff Charles B. Starke, Jr.'s Motion for an Emergency Restraining Order (Dkt. #42) is **DENIED**.

It is further **ORDERED** that Plaintiff's case is **DISMISSED WITHOUT PREJUDICE**.

All relief not previously granted is **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 13th day of February, 2023.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE